

Chesapeake Bay Exception CBE-11-023: 142 Riverview Plantation Drive

Staff report for the September 8, 2010 Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: William G. Casto

Land Owner: William G. Casto
142 Riverview Plantation Drive
Williamsburg, VA 23188

Location: 142 Riverview Plantation Drive
PIN: 1640600001

Parcel Size/Zoning: 0.43 +/- acres, R1 Limited Residential
Percent of Parcel in RPA: 63% (0.27 +/- acres)

Watershed: York River (HUC – YO65)

Proposed Impacts

Impervious Area: approximately 60 square feet

RPA Encroachment Landward and Seaward 50 foot RPA Buffer

Brief Summary and Description of Activities

Mr. William G. Casto has applied for an exception to the Chesapeake Bay Ordinance for the encroachment into the RPA buffer for a two retaining walls. The proposed retaining walls will create approximately 60 square feet of impervious cover in the RPA buffer. The retaining walls are necessary to provide ingress/egress to a walkout basement without compromising the septic drainfields. The proposed mitigation measures will be 1 canopy tree and 3 shrubs in order to meet the County requirement based on the proposed impervious cover.

The lot was recorded before the 1990 adoption of the Chesapeake Bay Preservation Ordinance. In this case, the exception request is for retaining walls which will encroach into the RPA buffer. Therefore in accordance with section 23-14 of the Ordinance, an exception must be processed by the Chesapeake Bay Board after a public hearing. Furthermore, staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Staff Recommendation

Staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be minimal for the proposed construction and that the proposed mitigation measures are adequate. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary local permits as required for the project.
2. A mitigation plan, meeting James City County requirements, shall be submitted and approved.
3. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and with the proposed shrubs being of three gallon size.
4. Full implementation of the RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) d. and 23-17(c) by providing a form of surety satisfactory to the County Attorney.
5. This exception request approval shall become null and void if mitigation plantings have not been completed by September 8, 2011.
6. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-11-023 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-11-023 are included for the Board's use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments: Sensitive Area Activity Application